



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

November 10, 2005

Dear Sir or Madam:

You have been identified as a person interested in the federal authorization of the Commonwealth of Massachusetts' Hazardous Waste Management Program.

Enclosed is an advance copy of the Legal Advertisement that the United States Environmental Protection Agency (EPA) will be publishing regarding EPA's immediate final and proposed rules to grant an extension of the interim authorization to Massachusetts for revisions to its hazardous waste regulations regarding the management of CRTs. EPA intends to publish this Legal Advertisement as close in time as possible to the publication of the **Federal Register** Notice of this decision. We expect the **Federal Register** Notice to be published mid to late November 2005. The Legal Advertisement will be published in the following Massachusetts newspapers: **Springfield Union, Worcester Telegram and Gazette, Cape Cod Times, and The Boston Globe.**

Please note, the closing date for written comments will be thirty (30) days from the publication date of the **Federal Register** Notice announcing EPA's decision to extend the interim authorization of the Massachusetts program revisions. If no adverse comments are received, the rule will become effective sixty (60) days from the date of publication in the **Federal Register.**

Sincerely,

Robin L. Biscaia  
Hazardous Waste Unit  
Office of Ecosystems Protection  
(617) 918-1642

Enclosure

## LEGAL ADVERTISEMENT

ADVANCE  
COPY

### ENVIRONMENTAL PROTECTION AGENCY

Notices of Proposed Rule/Immediate Final Rule and public comment period for the extension of federal interim authorization of revisions to the Commonwealth of Massachusetts' Hazardous Waste Management Program for CRTs.

**SUMMARY:** On November 15, 2000 EPA granted *interim* authorization of Massachusetts' CRT management program under the Toxicity Characteristic Rule (65 FR 68915) effective until January 1, 2003. The expiration date of this interim authorization was subsequently extended until January 1, 2006 (67 FR 66338, October 31, 2002). Since Massachusetts' program requirements were determined to be only *substantially* equivalent (and not *fully* equivalent) to the federal program, the state did not qualify for final authorization, but instead, qualified for *interim* (or temporary) authorization as provided by the authority of RCRA section 3006(g), 42 U.S.C. 6926(g) under the Hazardous and Solid Waste Amendments (HSWA). Because the interim authorization is due to expire on January 1, 2006, the proposed action is necessary to once again extend the expiration date of Massachusetts' interim authorization. We propose that the Massachusetts' program for the management of CRTs be extended for a period of five years, from January 1, 2006 to January 1, 2011 for the following reasons.

Absent further EPA action, the authority to regulate the CRTs would revert to the EPA as of January 1, 2006, and full hazardous waste regulations would become applicable to many CRTs in Massachusetts. Regulating intact CRTs as a fully regulated hazardous waste can discourage recycling of the CRTs and, thus, be counter productive. Therefore, it is environmentally important that the interim authorization of the Massachusetts regulations be extended. Also, on June 12, 2002, the EPA proposed to adopt regulations to reduce RCRA regulatory requirements for CRTs. (See 67 FR 40508.) However, EPA's final decision on this rule is still pending and not likely to occur prior to January 1, 2006. Extending the interim authorization of the Massachusetts CRT program will enable it to continue to operate until the EPA issues a final decision on its own CRT Rule.

Documents relating to this authorization decision (the "Administrative Record") will be available for public review, as specified below.

**DATES:** Written comments on EPA's decision to extend Massachusetts' interim authorization for the management of CRTs must be received within thirty (30) days from the date of the published Federal Register. Unless we get comments that oppose this decision during the comment period, the approval of the extension of Massachusetts' program revisions shall become effective sixty (60) days from the date of publication in the Federal Register without further notice. The Federal Register Notices are expected to be published mid to late November, 2005.

**ADDRESSES:** Copies of the documents related to this authorization decision will be available for inspection and copying at the following addresses:

Massachusetts Department of Environmental Protection, Business Compliance Division, One Winter Street – 8th Floor, Boston, MA 02108  
Telephone: (617) 556-1096.  
Business Hours: 9:00 A.M. to 5:00 P.M., Monday – Friday

EPA New England Library, One Congress Street, 11th Floor, Boston, MA, 02114-2023  
Telephone: (617) 918-1990.  
Business Hours: 10:00 A.M. to 3:00 P.M., Monday – Thursday.

**REGULATORY BACKGROUND:** EPA's TC Rule was promulgated on March 29, 1990 (55 FR 11798) and refines and expands EPA's Extraction Procedures (EP) Toxicity Characteristics Rule promulgated on May 19, 1980 (49 FR 33084). Under the TC Rule, the State regulates (in place of EPA) many additional hazardous wastes (i.e., those wastes, including many CRTs, which only became hazardous as a result of the more stringent TCLP test required by the TC Rule).

**FOR FURTHER INFORMATION CONTACT:**

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